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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/682,857 | 10/25/2001 | Steven Hilles Taylor | 9D-HR-19764 | 9984 |

23465 7590 10/28/2002

JOHN S. BEULICK
C/O ARMSTRONG TEASDALE, LLP
ONE METROPOLITAN SQUARE
SUITE 2600
ST LOUIS, MO 63102-2740

EXAMINER

HANSEN, JAMES ORVILLE

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3637

DATE MAILED: 10/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/682,857

Applicant(s)
TAYLOR et al.

Examiner
James O. Hansen

Art Unit
3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 17, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) 16-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Claims 16-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 7.

2. Applicant's election with traverse of Group I in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the groups are clearly related and that the examination of the other group would not be a serious burden on the examiner. This is not found persuasive because the inventions have acquired a separate status in the art as shown by their different classification [reflecting respective "best examined" art locations].

The requirement is still deemed proper and is therefore made FINAL. ✓

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: Refrigeration case clip assembly. ✓

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-5 & 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In Claim 1, line 4 is unclear and confusing since the phrase --and said casing-- appears to have been omitted after "the other of said bottom mullion". In claim 13, the phrase "said lower rail" does not have a proper antecedent basis. Consequently, the remaining claims are rendered indefinite because they are dependent upon a rejected claim. ✓

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-6 & 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kessler [U.S. Patent No. 3,380,615]. Kessler (figures 1-4) teaches of a refrigerator appliance cabinet comprising: a bottom mullion (42); a casing (10); and an inner liner (12) with foam insulation (see col. 3, lines 60-61 e.g.,) between the liner and casing. The cabinet further comprising a bottom rail (38 e.g.,) with the mullion comprising a channel (defined by legs 52 & 54) for receiving the rail. As to claim 4, the mullion channel receives the liner. The casing comprising a bottom panel (26 e.g.,), the panel comprising a retaining tongue (28 e.g.,), the mullion comprising an extended flat portion (62) for press fit engagement with the tongue. As to claims 11-15, the liner further comprising at least one refrigeration compartment (fig. 1), the lower rail is viewed as being

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analogous to the "bottom rail" (38). The mullion comprising opposing side surfaces (fig. 2) each comprising a channel (defined by legs 52 & 54, and legs 60 & 62 respectively) for receiving a lower rail and the liner respectively. The bottom panel (26) comprising a clip (defined by 26) and a tongue (28) extending from the clip.

8. Claims 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Jenkins et al., [U.S. Patent No. 4,632,470]. Jenkins (figures 1-8) teaches of a refrigerator cabinet comprising: a bottom mullion (49); and a casing (fig. 3) that is press fitted with the mullion [later bolted]. The casing comprises an outer surface (40 e.g.,) and a fastening projection (36 e.g.,) extending from the surface; wherein the mullion comprises a substantially flat engagement surface (portion enclosed as depicted in fig. 8 for example) that is engaged by the projection, the projection comprising a tongue (28 e.g.,) that is separated from the engagement surface.

Conclusion

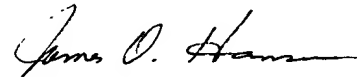
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. British publication 683,739, Jenkins, Harder Jr., Aue and Anell et al., describe refrigerator case assemblies.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-2168. **Fax numbers** for Official Papers are as follows:

Before Final (703) 872-9326 & After Final (703) 872-9327.

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Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen
Primary Examiner
Technology Center 3600

JOH
October 18, 2002